

REMARKS/ARGUMENTS

1. Paragraph 0007 is corrected as indicated by Examiner.

2. Claims 1 and 4-7 are rejected as anticipated by Santucci. This basis for rejection is traversed as to claim 1 as amended, because the recitations of claim 1 are not found in Santucci.

More particularly, claim 1 as amended recites a generally planar rectangular cover, said cover having a length dimension equal to said predetermined length, and a width dimension no greater than the sum of said channel width plus said thicknesses of said side walls. (emphasis added)

The cover 26 is clearly not planar, as recited, and its width exceeds the recited width by the thickness of the sides of the cover.

Consequently, claim 1 as amended clearly distinguishes over Santucci, and is therefore not anticipated thereby. Claim 1 is patentable over Santucci.

3. Claim 4 as amended recites

"wherein said first divider comprises a monolithic flange adjacent to said selected portion of said edge thereof, and spaced away from said edge thereof." (emphasis added)

which is not the case in Santucci. Claim 4 as amended therefore distinguishes over Santucci, and is patentable in a 35 U.S.C. §102 sense thereover.

Thus, claim 4 is patentable over Santucci as

being dependent from patentable claim 1, and is also independently patentable.

4. Claim 5 depends from patentable claim 1 and is patentable for that reason. Claim 5 is amended to make the recitations more clear.

5. Claim 6 is a method claim reciting a kit of parts equivalent to that of claim 1, including the recitation of

"a generally planar rectangular cover, said cover having a length dimension equal to said predetermined length, and a width dimension no greater than the sum of said channel width plus said thicknesses of said side walls"

which is not found in Santucci. Claim 5 is patentable in a § 102 sense over Santucci.

6. Claim 7 recites

"said step of placing said selected portion of said first divider in said first slot is performed after said step of mounting said baseplate on said deck."

which is not found in Santucci.

Thus, claim 7 is independently patentable over Santucci, as well as being patentable by depending from patentable claim 6.

7. New claim 8 recites

"said cover defines upper and lower surfaces;

and said lower surface of said cover defines at least one elongated second slot having a length

extending parallel with said length direction, said second slot having at least said first predetermined width dimension." (emphasis added)
which does not at all correspond with the cover of Santucci. New claim 8 is therefore patentable over Santucci.

New claim 9 depends from new claim 8 and recites "wherein said second slot is located on said cover at a location such that it is registered with said slot in said upper surface of said baseplate when said kit of parts is assembled."
which also completely distinguishes over Santucci.

8. New claim 10 recites

"at least one elongated second slot in said lower surface of said cover, said second slot having a length extending parallel with said length direction, and being registered with said first slot when said kit of parts is assembled; and

said step of placing said cover includes the step of engaging an edge of said divider in said second slot."

Santucci shows no slot in his cover, and such slot is not registered as recited. There is no suggestion in Santucci that an edge of the divider engages a slot in the cover.

9. New method claim 11 depends from patentable claim 6, and further recites matter making claim 11 independently patentable

"said step of engaging an edge of said divider in said second slot is performed after said step of placing

said selected portion of said divider in said first slot."
not shown or described by Santucci.

10. New independent claim 12 recites at length the kit of parts including the divider illustrated in FIGURE 5 of the application, where the divider has three portions adjacent the edge, namely the neck (420an) having thickness t , the lowermost edge (420le) having thickness T , and the flange 540. Such a structure is completely absent from Santucci, and claim 12 should be patentable thereover.

11. Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as unpatentable over Santucci. Examiner asserts obviousness in the absence of any additional reference.

It appears that Examiner is glossing over the problems associated with his suggestion that multiple dividers could be used in the structure of Santucci FIGURE 3. It is noted that FIGURE 3 of Santucci shows that the upper edge of single divider 84 is supported by "retention clip 80" extending transversely. One may reasonably ask Examiner what structure would support the upper edges of a second (or additional) divider(s) when they are inserted? There is no answer to be gleaned from Santucci, even with Examiner's unsupported assertion of obviousness. Claims 2 and 3 as amended solve this problem. Claims 2 and 3 recite

"2. A kit of parts according to claim 1, wherein said baseplate further comprises at least a second slot in said upper surface of said baseplate, said second slot extending parallel with said length direction and with said first slot, said second slot

having at least said first predetermined width dimension, said cover of said kit of parts defining a cover slot extending in said length direction, said cover slot having a second predetermined width dimension." (emphasis added)

"3. A kit of parts according to claim 2, further comprising a second divider comprising a generally planar rectangular element defining a length dimension equal to said predetermined length dimension, a width dimension approximately equal to said width dimension of said first and second walls, a first thickness along at least a selected portion of the edges thereof which equals said first predetermined width of said slot, and a second thickness along another selected portion of said edges of said divider, said second thickness being equal to said second predetermined width dimension." (emphasis added)

Claims 2 and 3 provide the answer as to how to support the upper edges of additional divider(s), in that they are supported in the same way as the first, namely by use of slots in the cover.

Claims 2 and 3 are patentable as reciting matter not reasonably deduced from Santucci or Examiner's assertions.

12. Reconsideration and allowance are requested of amended claims 1-6, original claim 7, and new claims 8-12.

13. The number of claims after the amendment is

no greater than the number originally paid for. No additional fee is believed to be required. Please charge any other fees to deposit account 50-2061.

FOR THE APPLICANT(S)

by 

William H. Meise
Attorney for Applicant
Reg. No. 27,574

Duane Morris LLP
P.O. Box 5203
Princeton, NJ 08543-5203
609-631-2453
January 17, 2005

Amendments to the Drawing

Examiner requires new formal drawings. The formal drawings appear as replacement sheets 1-3 in the Appendix.